

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

Case No. 09-11893

BERNARD L. MADOFF,

Chapter 7

Debtor.

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**ORDER**

A hearing having been held on April 20, 2009 on the Motion, by Order to Show Cause, of Petitioners Blumenthal & Associates Florida General Partnership, Martin Rappaport Charitable Remainder Unitrust, Martin Rappaport, Marc Cherno, and Steven Morganstern in the above-captioned case, and the Court having reviewed papers and heard argument from those parties expressing an interest in the outcome of the Motion; it is hereby

ORDERED, that pursuant to 11 U.S.C. Section 303(g), the United States Trustee shall appoint an interim trustee to perform the duties set forth in 11 U.S.C. Sections 701 and 704; and it is further

ORDERED, that promptly after appointment, the interim trustee shall meet and confer with Irving Picard, Esq. and counsel for the petitioning creditors to develop protocols for the coordination of this case with the BMIS bankruptcy case, to address:

- a. the coordination and potential consolidation of resources to ensure efficiency and containment of costs;
- b. the coordination and exchange of discovery and investigative work;
- c. the coordination of avoidance actions to determine which estate has the most direct claim to property;

- d. the resolution of disputes regarding which estate to which marshaled property belongs, and the potential benefit of deferring such disputes until all assets are collected;
- e. coordination and potential consolidation of the claims process; and
- f. any other issues necessary to ensure that the two bankruptcy cases proceed in a coordinated, efficient, and cost-effective manner.

AND IT IS FURTHER ORDERED, that unless within 10 days of the appointment of the interim trustee, stipulated protocols addressing the foregoing issues are submitted to this Court for review, the parties shall be directed to Show Cause why they are unable to reach an accord.

SO ORDERED this 20<sup>th</sup> day of April, 2009.

/s/Burton R. Lifland  
Burton R. Lifland  
United States Bankruptcy Judge